

Appl. No. 10/038,761
Amdt. Dated: September 2, 2004
Reply to Office Action of June 2, 2004

REMARKS/ARGUMENTS

Applicant's attorney thanks the Examiner for his comments and thoughtful analysis of the application. Claims 1 – 55 are presented for the Examiner's consideration. Claim 45 has been amended to correct a numbering error within the claim.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

By way of the Office Action mailed June 2, 2004, the Examiner noted that claims 3-4, 15, 31, 38, and 46-47 utilize improper language. Applicants respectfully direct the Examiner's attention to MPEP §2173.05(h)II which states that "[a]lternative expressions using 'or' are acceptable, such as 'wherein R is A, B, C, or D.'"

By way of the Office Action mailed June 2, 2004, the Examiner rejected claims 1-3, 5-9, 12-30, 32-46, 48, and 50-55 under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. Patent Number 6,261,679 to Chen et al. (hereinafter "Chen et al. '679") in view of U.S. Patent Number 4,999,149 to Chen (hereinafter "Chen '149"). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

In accordance with MPEP §2142, the Examiner has the burden of establishing a *prima facie* case of obviousness by meeting three criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 4899 (Fed. Cir. 1991). The Examiner has attempted to combine references that are not properly combinable because their intent, function, or purpose is destroyed. Chen '149 discloses the use of a zinc chloride solution to render cellulose fibers soluble or partly soluble

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(column 5, lines 3-6, and column 6, lines 7-9). Chen et al. '679 disclose that "a liquid comprising a solute that renders the hydrophilic fibers soluble or partly soluble, such as a concentrated zinc chloride solution with cellulosic fibers as the hydrophobic fibers, would *not be preferred* in many embodiments." (column 11, line 60 to column 12, line 5) (emphasis added). Therefore, one of ordinary skill in the art would not combine Chen et al. '679 with Chen '149 because Chen '149 teaches using a zinc chloride solution to at least partially dissolve cellulosic fibers, while Chen et al. '679 teach away from using a zinc chloride solution because of the fact that it will at least partially dissolve cellulosic fibers. The intent, function, and purpose of Chen et al. '679 would be destroyed if combined with Chen '149. Additionally, there is no suggestion or motivation in the references to combine the teachings, nor would there be a reasonable expectation of success if one of ordinary skill in the art were to attempt to do so. The Examiner has thus failed to meet his burden of establishing a *prima facie* case of obviousness. Applicants respectfully request that this rejection be withdrawn.

Applicants thank the Examiner for noting that the subject matter of claims 4, 10, 31, 47, and 49 are allowable.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-4405.

Respectfully submitted,

WILLIAM G. REEVES ET AL.

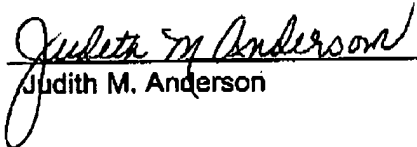
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Appl. No. 10/038,761
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CERTIFICATE FACSIMILE TRANSMISSION

I, Judith M. Anderson, hereby certify that on September 2, 2004 this document is being facsimile transmitted to: Commissioner for Patents, Alexandria, VA 22313-1450.

By: 
Judith M. Anderson